

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGELO LOMANTO

Petitioner,

– against –

ANTHONIA ADUKE AGEBELUSI,

Respondent.

22-CV-7349 (JPO)

ORDER

Whereas the Court held a hearing on September 21, 2022, pursuant to the Order to Show Cause issued on September 9, 2022, at which the Respondent did not appear, having requested a two-week adjournment to obtain counsel; and

Whereas the Petitioner consented to the adjournment and the matter is hereby adjourned to October 6, 2022 at 10:00 a.m.;

IT IS HEREBY ORDERED THAT:

The show-cause hearing is ADJOURNED to **October 6, 2022, at 10:00 a.m.**, in Courtroom 706 of the United States Courthouse at 40 Foley Square; and it is further

ORDERED that Respondent, ANTHONIA ADUKE AGEBELUSI, shall appear and show cause before the undersigned at the United States District Court, Southern District of New York, 40 Foley Square (40 Centre Street), Room 706, New York, New York, 10007, on October 6, 2022, at 10:00 a.m., why the Court should not grant orders and judgment, as follows:

- a) Pursuant to the International Child Abduction Remedies Act (ICARA), 22 U.S.C. §§ 9001-9011, and the Hague Convention on the Civil Aspects of Child Abduction, Oct. 25, 1980, TIAS 11,670, 1343 UNTS 98, directing that the parties' minor children, R. A.

L. (child 1) and S. M. L.(child 2) be repatriated to Spain, on the grounds that (i) Respondent has wrongfully retained R. A. L. and S. M. L. in the United States in violation of Petitioner's rights of custody, and (ii) Spain is R. A. L. and S. M. L. State of habitual residence;

- b) Pursuant to ICARA, 22 U.S.C. § 9004, granting any and all appropriate provisional remedies, including surrender of Respondent's and R. A. L and S. M. L's passports, pending determination of this action;
- c) Pursuant to Hague Convention art. 2, ICARA, 22 U.S.C. § 9003, and Fed. R. Civ. P. 40, formally according priority to the present action; and
- d) Pursuant to ICARA, 22 U.S.C. § 9007(b), awarding Petitioner the costs, counsel fees, and expenses incurred in the prosecution of this action;

and it is further

ORDERED that, pursuant to ICARA, 22 U.S.C. § 9004, Respondent shall produce Respondent's and R. A. L. and S. M. L.'s passports in Court on the return date of this Order to Show Cause; and it is further

ORDERED that Respondent's answer and/or other responsive papers shall be served via the Electronic Case Filing (ECF) system on Petitioner's attorneys:

Oummih Law Group
Amal Oummih, Esq.
23-15 Steinway Street
Astoria, NY 11105
info@oummihlawgroup.com
(718) 433-9993

With a copy provided to the Court by email at OetkenNYSDChambers@nysd.uscourts.gov;

and it is further

ORDERED that, as mandated by ICARA, 22 U.S.C. § 9003(c), the initial process in this action shall be the present Order to Show Cause, in accordance with applicable state law governing process in interstate child custody proceedings, i.e., N.Y. Family Court Act § 651(b); and it is further

ORDERED that, as mandated by ICARA, 22 U.S.C. § 9003(c), a copy of the present Order to Show Cause, the Petition in this action, and all other documents required to be served upon Respondent on or before September 25, 2022, via certified mail delivery, with proof of service to be provided, be deemed sufficient; and it is further

ORDERED that, pending the adjourned return date of this motion, the Respondent is temporarily restrained and enjoined from:

- (1) Removing the children from the jurisdiction of this Court pending the return date of this Order to Show Cause, and no person acting in concert or participating with Respondent shall take any action to remove the Children from the jurisdiction of this Court pending the hearing of this motion.

SO ORDERED, THIS 23rd day of September, 2022, at 10:35 a.m., New York, New York.



J. PAUL OETKEN
United States District Judge